

Licensing Reform Task Force

Barriers Subcommittee

SUMMARY RECOMMENDATION: CENTRALIZED BACKGROUND CHECK AND REUSE

Recommendation

The **Barriers Subcommittee** recommends that the **Licensing Reform Task Force** request development of a centralized **Title 37 background-check framework** for DLI-administered professional and occupational licensing boards and programs, combined with authority to allow applicants to reuse a qualifying background check for additional licenses within a defined period.

The framework should standardize when fingerprint-based background checks are required, identify which license types are covered, allow reuse for additional Title 37 licenses when appropriate, require applicant attestation of no new criminal charges, convictions, discipline, or reportable events, and preserve board authority to require a new check when required by law or justified by public-protection concerns.

Executive Order No. 1-2026 Report Elements Addressed

This recommendation supports the Executive Order's direction that the Task Force provide recommendations and strategies to reform Montana's professional occupational licensing system by:

- **Identifying and removing burdens and barriers faced by licensees that are not necessary to protect the public.** Reuse of a qualifying background check may eliminate duplicative fingerprinting and repeated fees for applicants who already completed a background check for another Montana license.
- **Improving access to and availability of professional services for citizens across Montana, including rural communities.** Reducing duplicative background-check delays may help qualified applicants move into additional license types or higher license levels more quickly.
- **Evaluating whether unnecessary barriers to entry exist for applicants.** The recommendation targets a specific administrative barrier: repeated background checks for applicants who have already been reviewed by the state within a recent period.
- **Evaluating whether existing licensing requirements contribute to workforce shortages or access constraints in rural and frontier communities.** Streamlined background-check reuse may support faster workforce entry, especially in professions with candidate-to-full-license pathways or multiple related license types.
- **Evaluating whether licensure portability, reciprocity, or endorsement pathways could expand access to qualified professionals.** A centralized framework can help applicants and staff understand how background-check requirements apply across license types and endorsement pathways.

- **Evaluating whether licensing structures are aligned with state and federal rural health transformation initiatives.** A standardized process can reduce administrative delay while preserving public-health and public-safety protections.

Policy Assessment

Benefits

A centralized framework would make background-check requirements easier for applicants, boards, and staff to understand and administer. Allowing reuse of a recent qualifying background check may reduce applicant cost, duplicative fingerprinting, processing delays, and administrative workload. It may be particularly helpful for applicants who move from candidate licenses to full licenses, seek additional related licenses, or pursue career advancement through stacked credentials.

Limitations

Background-check information is sensitive and may be subject to state and federal criminal justice information restrictions. The Department and boards must confirm whether prior results may be reused directly or whether the system may only rely on proof that a qualifying check was completed. Reuse also depends on effective self-reporting and renewal disclosure processes, which are not perfect. Some professions, compacts, federal laws, grants, or board-specific public safety concerns may require a fresh background check.

Implementation Consideration

The framework should preserve current renewal questions, self-reporting obligations, discipline authority, and board authority to require a new check for cause. It should also clarify whether reuse applies only to Title 37 licenses administered by DLI, whether it may extend to licenses outside Title 37, and what time period should apply.

The Subcommittee recommends that the following issues be addressed before draft legislation is finalized:

- **Reuse period: 3 years.** A three-year period would be more conservative and may better address concerns that criminal or disciplinary events can occur between renewals. It may be preferable for higher-risk professions or where boards are concerned about relying too long on an older check.
- **Reuse period: 5 years.** A five-year period is consistent with the example discussed at the May 8 meeting from other Montana licensing contexts and was supported by some participants as sufficient when combined with renewal questions and self-reporting obligations. It may provide greater applicant relief and reduce more duplicative checks, particularly in candidate-to-full-licensure pathways.
- **Reuse period: another time frame.** The Task Force could choose a different period, such as two years, four years, or a period tied to the applicable renewal cycle. The framework could also use a default period, such as five years, while allowing boards to adopt a shorter period by rule for identified public-protection reasons.
- **Scope within Title 37.** The simplest approach is to apply reuse only to DLI-administered professional and occupational licenses. This would align with the Task Force's occupational licensing focus and avoid broader interagency data-sharing issues.
- **Use outside Title 37.** Extending reuse to licenses outside occupational licensing may increase applicant benefit but would require additional legal review, interagency coordination, and confirmation that criminal justice information may be shared or relied on across agencies. If included, the statute should clearly identify which agencies and license types are covered.

Motion

The **Barriers Subcommittee** moves to advance the recommendation requesting development of a centralized Title 37 background check framework for DLI-administered professional and occupational licensing boards and programs, including authority to allow applicants to reuse a qualifying background check for additional licenses within a defined period, subject to applicant attestation, confidentiality and information-sharing limits, federal and compact requirements, and board authority to require a new check when necessary for public protection..